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**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

SECURITIES AND EXCHANGE
COMMISSION,

Plaintiff,

vs.

JONATHAN WILLIAM MIKULA, *et*
al.,

Defendants.

Case No. 2:22-cv-07096-SB-E

STIPULATED PROTECTIVE ORDER

1 The Court, having considered the stipulation among Plaintiff Securities and
2 Exchange Commission (“SEC”), Defendant Jonathan William Mikula (“Mikula”),
3 and Defendant Christian Fernandez (“Fernandez”), for entry of a protective order
4 pursuant to Federal Rule of Civil Procedure 26(c) and for good cause shown, hereby
5 ORDERS as follows:

6 A. GOOD CAUSE STATEMENT

7 This action is likely to involve valuable commercial, financial, technical and/or
8 proprietary information for which special protection from public disclosure and from
9 use for any purpose other than prosecution of this action is warranted. Such
10 confidential and proprietary materials and information consist of, among other things,
11 private and confidential investor information—including personal identifiable
12 information—reflected in records pertaining to the issuance of securities, and/or
13 confidential business or personal financial information, information regarding
14 confidential business practices, or other confidential research, development, or
15 commercial information (including information implicating privacy rights of third
16 parties), information otherwise generally unavailable to the public, or which may be
17 privileged or otherwise protected from disclosure under state or federal statutes, court
18 rules, case decisions, or common law.

19 In particular, to comply with its discovery obligations the SEC intends to
20 produce financial information, records, and related documents (“Investigation
21 Materials”) which the SEC obtained while investigating the conduct alleged in the
22 Complaint. The Investigation Materials contain personal identifying information,
23 including home addresses, Social Security numbers, bank account data, and dates of
24 birth of numerous individuals and entities, including numerous investors and other
25 individuals and entities who are not parties to this action. The Investigation Materials
26 to be produced may be subject to various federal laws protecting the privacy of
27 financial records and personal identifiable information, including provisions of the
28 Privacy Act, 5 U.S.C. § 552a. Because this information is voluminous and pervasive,

1 redacting each document is impracticable and would unduly delay the production of
2 discovery.

3 Accordingly, to expedite the flow of information, to adequately protect
4 information the parties are entitled to keep confidential, to ensure that the parties are
5 permitted reasonable necessary uses of such material in preparation for and in the
6 conduct of trial, to address their handling at the end of the litigation, and to serve the
7 ends of justice, good cause for a protective order for such information exists.

8 B. ACKNOWLEDGMENT OF PROCEDURE FOR FILING UNDER SEAL

9 The parties acknowledge that this protective order does not alter or amend the
10 applicability of the provisions of Federal Rule 5.2 and Local Rules 5.2-1 and 5.2-2.

11 The parties further acknowledge that entry of the protective order does not create an
12 entitlement or an obligation to file confidential information under seal. Local Rule
13 79-5 sets forth the procedures that must be followed and the standards that will be
14 applied when a party seeks permission from the court to file material under seal.

15 C. PRODUCTION AND DESIGNATION OF CONFIDENTIAL INFORMATION

16 Subject to this protective order, the SEC may produce the Investigative
17 Materials to Defendants without redaction. If the SEC determines that materials to be
18 produced in discovery contain the above-described confidential information,
19 including personal identifiable information, the SEC shall apply the following
20 designation on the documents, on a disc cover, or in an accompanying cover letter or
21 email: "CONTAINS CONFIDENTIAL INFORMATION - SUBJECT TO
22 PROTECTIVE ORDER."

23 D. PROTECTION OF CONFIDENTIAL INFORMATION

24 Defendants and their counsel may use documents and information containing
25 confidential information only for the purposes of defending this action, and may not
26 disclose the documents to non-parties, except as needed for the defense of the case,
27 and only if the non-party agrees, in writing, to be bound by the terms of this
28 protective order prohibiting the disclosure of the documents, or the confidential

1 information contained therein, to other third parties. Notwithstanding this limitation,
2 this Protective Order shall not limit Defendants' ability to provide information to a
3 government agency in response to a lawful request.

4 Within 90 days of the conclusion of this action, Defendants and their counsel
5 shall destroy all documents containing confidential information.

6 For purposes of this stipulation and the proposed protective order, "counsel"
7 includes any attorney, paralegal, support staff, retained expert, or vendor assisting
8 counsel of record assisting Defendants in this action.

9 E. LIMITATIONS

10 Notwithstanding any other provision contained herein, this protective order
11 shall not limit or otherwise abrogate the ability and authority of the SEC to (1) use,
12 disclose, or retain any materials to the extent required by law; and/or (2) use or
13 disclose any materials in a manner consistent with Section H of SEC Form 1662 (the
14 "Routine Uses of Information").

15 Notwithstanding any other provision contained herein, this protective order
16 shall not limit the use of the Investigation Materials in a deposition taken in this
17 action.

18 This protective order does not govern the use of the Investigation Materials at
19 trial. Any use of the Investigation Materials at trial shall be governed by the orders of
20 the trial judge.

21
22 IT IS SO ORDERED.

23 Date: 5/19/2023
24

/s/ Charles F. Eick

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26 HON. CHARLES F. EICK
27 United States Magistrate Judge
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